

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-4, 9, 13-14, 37-48 and 55-63 remain pending in this application.

**Rejections under 35 U.S.C. § 103**

Claims 1-4, 9, 13, 14, 37-48 and 55-63 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Background of the Invention of the present application in view of XP-002223634 (hereinafter “XP Reference”). Applicant respectfully traverses the rejection for at least the following reasons.

As noted in a previous replies by Applicant, embodiments of the present invention relate to linking a service context to a terminal connection in a network controlling device of a data network. As noted in the abstract of the disclosure, in accordance with embodiments of the present invention, network resources can be optimized. In this regard, rather than a terminal device informing the GGSN of its interest for a service, the terminal device is informed of the service provision by the data network through a service notification. Further, in accordance with embodiments of the present invention, an authorized service activation is received by a network control device from a subscriber control element (e.g., SGSN or GGSN). Further, an association between the service context and the terminal connection may be established by the network control device based upon a network response to a service indication.

Accordingly, claim 1 recites:

1. A method, comprising:
  - broadcasting a service notification by a data network as a result of a network-initiated creation of a service context;
  - receiving, at a terminal, said service notification from said data network;
  - setting up a terminal connection between said terminal and a network controlling device in response to the receipt of said

service notification at said terminal;  
sending, by said terminal, a service indication via said terminal connection to the data network;  
receiving, at said network controlling device a confirmation of authorized service activation from a subscriber control element;  
and  
establishing, by said network controlling device, an association between said service context and said terminal connection based on a network response to said service indication.

In rejecting the claims, the Examiner cites the “Background of the Invention” portion of Applicant’s specification as disclosing the “broadcasting,” “receiving,” “setting up” and “sending” steps. Applicant respectfully disagrees with the Examiner’s interpretation of the background section of the specification as applied to the pending claims.

The Examiner specifically cites paragraphs [0004] and [0009] of Applicant’s disclosure as disclosing the above-noted features of the pending claims. For convenience, the cited paragraphs are reproduced below:

[0004] In general, a broadcast/multicast service is a unidirectional point-to-multipoint service in which data is efficiently transmitted from a single source to multiple terminal devices or user equipments (UE) in the associated broadcast service area. Cell Broadcast services may be received by all users who have enabled the specific broadcast service locally on their UE and who are in the cell broadcast area defined for the service. In contrast thereto, multimedia broadcast/multicast i.e. MBMS services can only be received by such users that are subscribed to a specific multicast/broadcast service, and in addition in a multicast mode have joined the multicast group associated with the specific service. Multicast/broadcast subscription may be performed either upon user selection or due to home environment initiation.

...

[0009] An assumption made in the above 3GPP specifications for MBMS defines that for each MBMS service, the respective Control RNC (CRNC) or Serving RNC (SRNC) should have an MBMS context. In practice, this means that service contexts are configured at the RNC, which are not assigned to any specific UE, whereas

this context is used by a number of UEs in the cell. In order to link this context with the UE specific active set e.g. of RRC (Radio Resource Control), i.e. the set which describes all the connections (i.e. Radio Access Bearers (RAB) and Radio Bearers (RB)) assigned for the UE in question, it is required that the RNC should detect those UEs which are requesting the MBMS service and for which MBMS services the RNC has already generated corresponding MBMS contexts. The RRC is a sublayer of the radio interface Layer 3 existing in the control plane only, which provides information transfer service to the non-access stratum, e.g. the core network. RRC is responsible for controlling the configuration of radio interface Layers 1 and 2 according to the OSI (Open System Interconnection) protocol layer architecture.

Thus, in accordance with the “Background of the Invention” section of the Specification, broadcast or multicast services may be received by users who have enabled the specific broadcast service locally on their user equipment (UE) and have joined the multicast group associated with the specific service. See Specification, paragraph [0004].

Further, the “Background of the Invention” section discloses that service contexts are configured at the RNC and are used by a number of UEs in a cell. In this regard, the RNC should detect those UEs which are requesting the multicast/broadcast service and for which multicast/broadcast services the RNC has already generated corresponding multicast/broadcast contexts. See Specification, paragraph [0009].

There is no teaching or suggestion in the cited paragraphs, or elsewhere in the “Background of the Invention” section of Specification, of setting up a terminal connection in response to the receipt of a service notification at the terminal, as recited in the pending claims. The Examiner position that this feature is disclosed in paragraphs [0004] and [0009] is without merit.

Further, there is no teaching or suggestion in the cited paragraphs, or elsewhere in the “Background of the Invention” section of Specification, of sending, by the terminal, a service indication via the terminal connection to the data network, as recited in the pending claims. The Examiner argues that paragraph [0009] discloses “detect[ing] those EUs which are

requesting the MBMS service” (Office Action dated December 22, 2009, page 4) and, therefore, discloses this feature of the pending claims. Applicant respectfully notes that there is no disclosure that detection of the UE’s includes “sending, by the terminal, a service indication via the terminal connection to the data network....”

Thus, the “Background of the Invention” section of Applicant’s disclosure does not teach or suggest at least the above-noted features of the pending claims. Further, the XP Reference also fails to teach or suggest these features. The Examiner does not cite the XP Reference as disclosing these features, and a thorough review of the disclosure of the XP Reference by Applicant fails to yield any such disclosure.

Since the cited references, either alone or in combination, fail to teach or suggest each feature of the pending claims, the Office Action fails to establish a *prima facie* case of obviousness.

Therefore, independent claims 1, 37, 55 and 63 are patentable. As to claims 2-4, 9, 13, 14, 38-48 and 56-62, these claims each depend from one of allowable claims 1, 37 or 55 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

## **Conclusion**

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid

amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date April 22, 2010

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